

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 17, 2009. At the time of the Office Action, Claims 1-10 were pending in this Application. Claims 1-10 were rejected. Claims 1, 5, and 9 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

#### Rejections under 35 U.S.C. § 102

Claims 1-3, 5-7 and 9 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0007338 ("*Popp*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that *Popp* does not anticipate Applicants' claims as amended, because *Popp* does not show all the elements of the amended claims. For example, amended Claim 1 recites:

wherein the actuator unit, the second part of the needle, and the first part of the needle are arranged substantially end-to-end in that order along an axial length of the fluid injector, such that movement of the actuator unit acts on the second part of the needle, which in turn acts on the first part of the needle to move the first part of the needle.

*Popp* does not teach these limitations. The Examiner alleges that the following elements of *Popp* can be equated with the following claimed elements:

- The Examiner equates piston 44 of *Popp* with the recited actuator unit;
- The Examiner equates valve 46 of *Popp* with the recited first part of the needle;
- The Examiner equates upper collar guide 60 of *Popp* with the recited second part of the needle.

(Office Action, page 2).

Even assuming for the sake of argument that these elements can be equated (which Applicants do not concede), these elements do not meet the limitations of amended Claim 1. First, piston 44, valve 46, and upper collar guide 60 are not “arranged substantially end-to-end in that order along an axial length of the fluid injector.” As shown in Figures 1 and 3 of *Popp*, upper collar guide 60 is disposed *around* valve 46, and clearly not arranged *end-to-end* with valve 46.

Further, as shown in Figures 1 and 3 of *Popp*, movement of piston 44 acts directly on valve 46 to move valve 46. Valve 46 *slides within* upper collar guide 60, which does not move. (see *Popp*, paragraph 0027). Thus, *Popp* cannot teach “movement of the actuator unit (piston 44) acts on the second part (upper collar guide 60) of the needle, which in turn acts on the first part (valve 46) of the needle to move the first part (valve 46) of the needle.”

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as all claims that depend therefrom. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claims 5 and 9, as well as all claims that depend therefrom.

#### **Rejections under 35 U.S.C. §103**

Claims 4, 8 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Popp* in view of U.S. Patent Application Publication No. 2002/0043575 filed by Atsushi Sekine et al. (“*Sekine*”).

Applicants submit that dependent Claims 4, 8, and 10 are allowable at least because they depend from Claims 1, 5, and 9, shown above to be allowable.

#### **Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
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Date: July 14, 2009

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